

## **REMARKS**

### **Status of claims**

Upon entry of the present amendment, claims 1-14 and 17-22 will be pending. Claims 1, 13 and 17 will have been amended. Reconsideration of the Office Action of October 17, 2008 is respectfully requested.

### **I. Rejection under 35 U.S.C. § 102**

The Examiner rejected claims 1-14 and 17-22 under 35 U.S.C. 102(b) as being anticipated by Van Oorshot et al., U.S. Patent Number 6,229,894. The Examiner asserted that Van Oorshot et al. teach the limitations of claims 1-14 and 17-22. With regard to claim 1, the Examiner asserted that Van Oorshot et al. teach ““a method for monitoring (column 2, lines 4-10 indicate the needs of the law enforcement agencies in the monitoring of communications) of communications traffic, comprising: recording packet-data communication traffic received from, and passing through, a network switch; encrypting the packet-data communication traffic to create encrypted data; and storing the encrypted data (Figure 1, and its description starting in column 3, line 15 discloses the receiving, encrypting, recording, and storing of communications data as well as a decryption key required for its decoding) such that the encrypted data can be decrypted only by means of decryption keys that exhibit restricted availability (column 4 line 59 to column 5, line 5).””

As to claim 17, the Examiner asserted Van Oorshot et al. teach ““a method for monitoring of communications traffic, comprising the steps of:” “receiving communications traffic from a network switch;” encrypting the communications traffic to generate encrypted communications traffic data (Figure 1, and its description starting in column 3, line 15 discloses the receiving, encrypting, recording, and storing of communications data as well as a decryption key required for its decoding);” “recording the encrypted communications traffic data (see server 16, processing device 90, memory 92 of Figure 2, and column 7, lines 17-27);” “storing the recorded encrypted communications traffic data such that the encrypted communications traffic data can

be decrypted by decryption keys that exhibit restricted availability, that allow encrypted search conditions and that employ separate levels of authorization for access to the stored data (see secure storage of users' decryption private keys of server 16 in Figure 2, and column 7, lines 27-30; and directory 68 (a database) of Figure 2, and column 6, lines 50-54); and "encrypting details relating to the communications traffic and storing the said encrypted details for subsequent access (see sending end-user 18, and end-user encryption certificate of end-user 60, 62, 64 in Figure 2, and column 5, lines 39-55).'" Applicant respectfully traverses.

In particular, Van Oorshot et al. do not teach a method or system for monitoring/receiving communication traffic from a network switch. Nor does Van Oorshot et al. teach encrypting the communication traffic after it has passed through the network switch, and storing the encrypted data such that the encrypted data can be decrypted only by means of decryption keys that exhibit restricted availability.

Rather, Van Oorshot et al. teach "a method for accessing specific encryption information" (see, Abstract; and col. 2, line 66 – col. 3, line 15), not a system that monitors communications traffic or encrypts communications traffic after it has passed through the network switch. In other words, the method of Van Oorshot et al. fails to teach or suggest recording or encrypting monitored/received communications traffic. The Van Oorshot et al. system fails to teach or suggest a recorder that records information from a network switch or an encryption module that encrypts the recorded information for storage.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-14 and 17-22 under 35 U.S.C. 102(b) as being anticipated by Van Oorshot et al.

CONCLUSION

Applicants respectfully assert that all of the pending claims are allowable over the references of record, and requests entry of a Notice of Allowance.

Respectfully submitted,

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